



the face of the filter element, but does not disclose either bringing the activated sludge from or sending the activated sludge to an activated sludge basin.

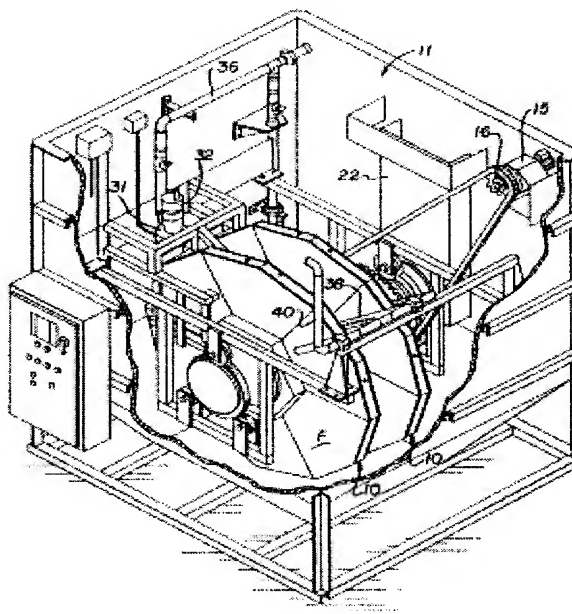
Claim 9 depends from amended claim 1 and is believed to be allowable at least for the reasons stated above.

Reconsideration and withdrawal of the rejection of claims 1 and 9 as being anticipated by Fuchs is respectfully requested.

Claims 1, 5 and 8-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 5,362,401 to Whetsel (hereinafter Whetsel). For the following reasons, the rejection is traversed.

Claim 5 has been cancelled and its features added to claim 1. Claim 1, as amended, requires a filter chamber that is separably connected with an activated sludge basin. Whetsel (Fig. 1 has been reproduced below) does not disclose or suggest an activated sludge basin or use thereof.

FIG. 1



At Column 4, lines 24-31, Whetsel discusses removal of sludge via a pump or

the like, but does not disclose either bringing activated sludge from or sending activated sludge to an activated sludge basin.

Claims 8-9 depend from amended claim 1 and are believed to be allowable at least for the reasons stated above.

Reconsideration and withdrawal of the rejection of claims 1, 8 and 9 as being anticipated by Whetsel is respectfully requested.

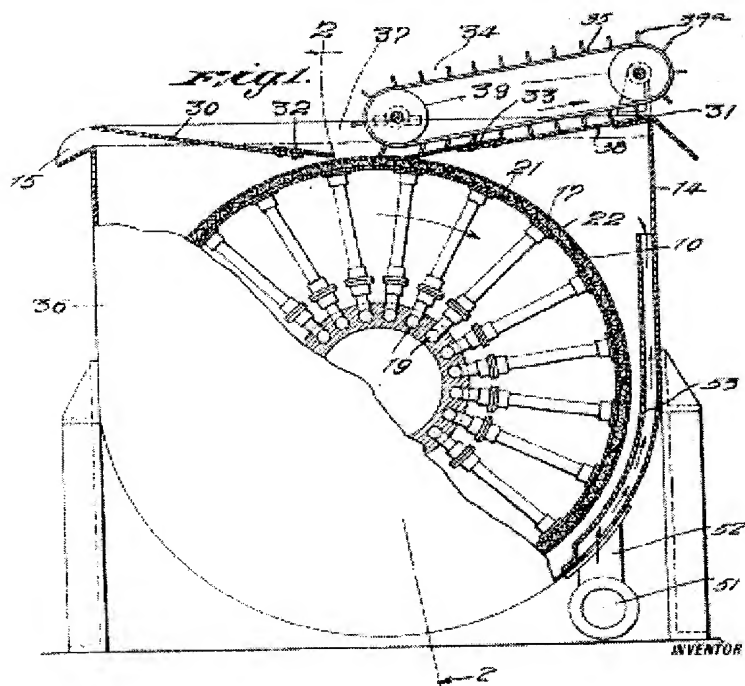
Claims 2-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fuchs in view of either U.S. 1,858,900 to Moore (hereinafter Moore), U.S. 1,796,491 to Sweetland (hereinafter Sweetland '491) or U.S. 1,796,492 to Sweetland (hereinafter Sweetland '492). For the following reasons, the Examiner's rejection is traversed. Claims 2-4 depend directly or indirectly from amended claim 1. None of Moore, Sweetland '491 or Sweetland '492 disclose any apparatus utilizing activated sludge and, thus, do not cure the deficiencies in the cited art regarding the claimed activated sludge basin separably connected with a filter chamber. Reconsideration and withdrawal of the rejection of claims 2-4 under 35 U.S.C. §103(a) over Fuchs in view of Moore, Sweetland '491 or Sweetland '492 is respectfully requested.

Claims 6-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fuchs in view of Sweetland '491. For the following reasons, the rejection is traversed. Even if the references were combined in the manner suggested, the claimed invention would not be taught.

Fig. 1 of Sweetland '491 is reproduced below. Elements 51, 52 and 53 are shown thereon. A pulp or sludge to be filtered enters the tank through manifold 51, pipes 52 and a baffle wall 53 from the bottom of the tank. The upper end of the

baffle wall 53 is arranged lower than the surface of the sludge, which is determined by the overflow nozzle 15. Therefore the inlet does not constitute an overflow into the tank. In fact, the overflow nozzle 15 for the outflowing sludge is arranged higher than the inflow opening at the top of baffle wall 53. This is the opposite of what is claimed in claim 6, specifically "provision of liquid from said activated sludge basin into said filter chamber over a first overflow." Similarly, Fuchs does not teach inflow in the filter chamber being an overflow that is higher than the outflow from the filter chamber.

Also, as previously stated, Fuchs does not disclose or teach a further basin of activated sludge. Sweetland '491 does not cure this deficiency. "



Claim 7 depends directly from claim 6 and is believed to be patentable at least for the reasons stated above. Reconsideration and withdrawal of the rejection of claims 6-7 under 35 U.S.C. §103(a) as being unpatentable over Fuchs in view of Sweetland '491 is respectfully requested.

Claims 2-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Whetsel in view of either Moore, Sweetland '491 or Sweetland '492. For the following reasons, the Examiner's rejection is traversed. Claims 2-4 depend directly or indirectly from amended claim 1 which is believed to be patentable over Whetsel for the reasons stated above. None of Moore, Sweetland '491 or Sweetland '492 disclose any apparatus utilizing activated sludge and thus do not cure the deficiencies in the cited art regarding the claimed activated sludge basin. Reconsideration and withdrawal of the rejection of claims 2-4 under 35 U.S.C. §103(a) over Whetsel is respectfully requested.

Claims 10-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 5,876,612 to Astrom (hereinafter Astrom) or under 35 U.S.C. §103(a) as being unpatentable over Astrom in view of JP 06-285308A. For the following reasons, the rejection is traversed.

Claim 10, as amended requires, steps of:

"pumping-off or draining of water present in said filter chamber (3), thereby emptying the filter chamber," and

"pumping-off or draining of the used cleaning liquid in said filter chamber, thereby emptying the filter chamber."

Even if the references were combined in the manner suggested, these steps would not be taught or suggested.

In Astrom, there is disclosure of only lowering the liquid level in the filter tank 13 until the nozzle heads 85 are exposed and not any further. Further, after cleaning liquid is added to the apparatus of Astrom, there is no disclosure of this clean liquid being pumped off or drained so as to empty the filter chamber.

Further applicant disagrees that the suction heads 77 in Astrom are used to remove cleaning fluid from the filter tank. The suction heads are arranged to engage the influent surfaces of the filter material and thus to suck liquid backwards through the filter material, and not out of the influent liquid in which the cleaning liquid is dissolved. Certainly, the suction heads do not remove enough cleaning fluid so as to empty the tank.

Applicant disagrees that the fluid level shown in Fig. 3 of Astrom as above the axis of rotation can be considered that same as "approximately just below", as claimed.

JP 06-285308A shows a drum filter having a *cylindrical screening pan* which is immersed in a cleaning solution. The filter solution only needs to rise high enough such that it reaches the cylindrical filter surface (which can rotate). Thus, the lower levels of cleaning solution disclosed therein are not relevant for or applicable to the Astrom rotary filter which has vertically arranged flat filter plates. Thus, the reason in the Office action for combining the teachings of these two references is not substantiated.

Reconsideration and withdrawal of the rejection of claims 10-11 under 35 U.S.C. §102(b) as being anticipated by Astrom or under 35 U.S.C. §103(a) as being unpatentable over Astrom in view of JP 06-285308A is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. FRG-16336.

Respectfully submitted,

RANKIN, HILL & CLARK LLP

By /James A. Balazs/  
James A. Balazs, Reg. No. 47401

38210 Glenn Avenue  
Willoughby, Ohio 44094-7808  
(216) 566-9700